

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**HARTFORD FIRE
INSURANCE COMPANY,**

Plaintiff,

v.

No. 1:13-cv-00896-JCH-RHS

**JUSTINA ROMERO, individually and
as Personal Representative of the
ESTATE OF KAYLA ALEXIS MARTINEZ;
FRED SANCHEZ, individually and as Personal
Representative of the ESTATE OF ALEANDRA
SANCHEZ; MARY HELEN LUCERO; ANGEL GOMEZ,
as Parent and next friend of BRIANNA SANCHEZ,
a minor; FELICITA ESQUIBEL, as Parent and next
friend of KAYLA ESQUIBEL, a minor;
MARY HELEN LUCERO, as Parent and next friend of
ALEXANDRIA DE LA O, a minor; and
JOSEPH MARTINEZ,**

Defendants.

STIPULATED PETITION FOR APPROVAL OF MINOR'S SETTLEMENT

Mary Helen Lucero, as Parent and Next Friend of Alexandria de la O, a Minor, Defendant in the instant interpleader action, through counsel, AEQUITAS LAW, LLC, Anna C. Martinez, and Plaintiff Hartford Fire Insurance Company, through counsel RILEY, SHANE & KELLER, P.A., Courtenay L. Keller, hereby petition this Court for Approval of Minor Settlement reached on behalf of the minor child, Alexandria de la O. In support of this Petition, the parties state:

1. This interpleader action was filed by Plaintiff Hartford Fire Insurance Company on September 17, 2013. Plaintiff Hartford Fire Insurance Company sought the Court's assistance in determining the persons to whom the available insurance proceeds were to be paid as well as the amounts payable to those persons.

2. Plaintiff is a corporation organized and existing under and by virtue of the laws of Connecticut, and having its principal place of business in Connecticut, which was authorized under New Mexico law to do business in the State of New Mexico and was doing business in San Miguel County, New Mexico.

3. Defendant Mary Helen Lucero, is a resident of the City of Las Vegas, County of San Miguel, State of New Mexico, and is the parent and natural guardian of the minor child, Alexandria de la O.

4. As recited by Plaintiff in its Complaint for Interpleader, on or about April 6, 2013, Wayne Lovato, the underage son of Roberta Dimas, was, upon information and belief, the permissive driver of a 2001 Infinity, which was involved in a single vehicle accident.

5. At approximately 2:19 a.m. on April 6, 2013, the 2001 Infinity, being driven by Wayne Lovato, rolled over on southbound I-25, at approximately mile post 337 in San Miguel County, New Mexico.

6. Alexandria De La O, Kayla Alexis Martinez, Aleandra Sanchez, Reyes Rubio, Brianna Sanchez, Kayla Esquibel, and Joseph Martinez were passengers in the 2001 Infinity driven by Wayne Lovato at the time of the subject accident and all sustained or claim to have sustained personal injuries as a result of the accident.

7. The parties have agreed to a settlement whereby the Plaintiff Hartford Fire Insurance Company shall pay to Defendant Mary Helen Lucero, as parent and next friend of Alexandria de la O, a Minor, the total sum of Thirty-three Thousand Dollars (\$33,000.00). This amount will fairly compensate the minor for her damages from the available insurance policy and reflects the reality that there is a limited amount of insurance available for several seriously injured and two deceased parties.

8. The parties agree that this settlement is in the best interest of the minor child.

9. The parties agree that the terms of the settlement are fair and equitable under the circumstances.

10. Defendant Mary Helen Lucero and Alexandria de la O request that a portion of the Thirty-three Thousand Dollars (\$33,000.00) in settlement be released to Mary Helen Lucero to be used for the benefit of Alexandria de la O.

11. The amount to be released to used for the benefit of Alexandria de la O is Five Thousand Eight Hundred and Fifty Dollars (\$5,850.00), which will be used to buy: new furniture for Alexandria de la O's bedroom, a cellular telephone for Alexandria de la O's exclusive use, clothes for Alexandria de la O, a laptop computer for Alexandria de la O's use.

12. Defendant Mary Helen Lucero understands that the settlement funds are for the sole purpose and benefit of the minor child, Alexandria de la O and that any remaining balance from the released funds must be used for Alexandria de la O's benefit.

13. After the limited disbursement described above, the balance of the funds from this settlement are to be deposited in an interest-bearing security instrument with a guaranteed pay out, such as Treasury Bills or Certificates of Deposit, by counsel for Defendant Mary Helen Lucero until Alexandria de la O reaches the age of Eighteen (18), at which time, all funds will be released to Alexandria de la O.

14. There are additional funds that counsel for Defendant Mary Helen Lucero are seeking to recover on behalf of Alexandria de la O. Any additional funds recovered for Alexandria de la O as a result of the motor vehicle accident giving rise to the instant interpleader action will also be deposited by counsel for Defendant Mary Helen Lucero in an interest-bearing security

instrument with a guaranteed pay out, such as Treasury Bills or Certificates of Deposit. These funds will also be released to Alexandria de la O when she is Eighteen (18) years of age.

15. Counsel for Defendant Mary Helen Lucero shall be entitled to attorneys' fees in the amount of one-third of the total recovery plus New Mexico Gross Receipts Tax.

16. Counsel for Defendant Mary Helen Lucero shall be entitled to reimbursement for expenses incurred during the representation of Mary Helen Lucero, as parent and next friend of Alexandria de la O, a Minor.

17. Upon request, either Mary Helen Lucero or Alexandria de la O shall be furnished with an accounting of the funds on deposit for Alexandria de la O's benefit. Counsel for Defendant Mary Helen Lucero shall be entitled to a reasonable fee for managing the monies on deposit for the benefit of Alexandria de la O, not to exceed four (4) hours per year without prior written approval from Defendant Mary Helen Lucero.

WHEREFORE, Defendant Mary Helen Lucero, as parent and next friend of Alexandria de la O, a Minor, and Plaintiff Hartford Fire Insurance Company, respectfully pray that this Court approve the Minor Settlement as set forth above.

Respectfully submitted,
AEQUITAS LAW, LLC

By: /s/ "Electronically Filed"
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CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2014, I filed the foregoing electronically through the Court's CM/ECF document filing and delivery system and that all counsel of record received a copy this pleading therefrom.

/s/ "Electronically Filed"

Anna C. Martinez